IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 4121 OF 2004
IN
FIRST APPEAL NO. 1099 OF 2004

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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Shri Lokesh Holding for G.s. Hegde for the applicants.

Shri Dilip Mahadik for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 3RD DEC., 2004

P.C.:

1. Heard both sides. Perused the record.

2. By order dated 6.8.2004 vide para 4(ii), this Court had directed that the balance amount payable i.e. an amount of Rs.2,69,318.25 ps. is allowed to be withdrawn by the original claimants without furnishing security. Consequent to this order, the applicants moved the Commissioner for Workmen's Compensation, 8th Labour Court, Bandra, Mumbai, who took the view that the High Court has directed that the principal amount can be paid till the final decision of the appeal, however, the penalty amount can be paid on furnishing security.

This is altogether incorrect as well as wrong interpretation of the order and, therefore, stands set aside forthwith.

The Commissioner for Workmen's Compensation, VIII Labour Court, Bandra, Mumbai is directed to pay the amount of Rs.2,69,318.25 ps. to the original claimants without furnishing any security so far as the amount of Rs.83,013.75 is concerned. It is ordered to be invested in any Nationalized Bank by the Commissioner for Workmen's Compensation, VIII Labour Court, Bandra, Mumbai, which need not be disturbed.

With this direction, the application stands disposed of.

It is clarified that no fresh application is required to be made before the Commissioenr for Workmen's Compensation, VIII Labour Court, and the said Labour Court shall act on the authenticated copy of this order.

All the concerned parties to act on the authenticated copy of this order.

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